

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:22-cv-00449-M

DR. DARCY DANE, individually, and  
CAROLINA BRAIN CENTER PC,

Plaintiffs,

v.

COMMONWEALTH PARTNERS, LLC,

Defendant.

ORDER

This matter comes before the court on an Amended Complaint filed as a matter of course by the Plaintiffs pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure. DE 14. “Ordinarily, an amended complaint supersedes those that came before it.” *Goodman v. Diggs*, 986 F.3d 493, 498 (4th Cir. 2021) (citing *Young v. City of Mount Ranier*, 238 F.3d 567, 572 (4th Cir. 2001)). In light of Plaintiffs’ filing, Defendant’s Motion to Dismiss Pursuant to Rules 9(b) and 12(b)(6) [DE 11] is DENIED WITHOUT PREJUDICE as moot.

SO ORDERED this 30<sup>th</sup> day of December, 2022.



RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE